

Application No. 10/075,488
Amendment-After-Final dated May 9, 2004
Reply to Final Office Action dated March 11, 2004

Remarks/Arguments

The preceding amendments and following remarks are submitted in response to the Official Action of the Examiner mailed March 9, 2004. Claims 1, 3-10, 12-14, 16-17, 21-23, 25, and 27-37 remain pending. Claims 2, 11, 15, 18-20, 24 and 26 have been canceled without prejudice, and claims 28-37 are newly presented. Reconsideration, examination and allowance of all pending claims are respectfully requested.

As a preliminary matter, Applicant submitted two supplemental IDSs on May 6, 2003, and yet another supplemental IDS on August 15, 2003. *Applicant respectfully requests that the Examiner consider these references, and provide initialed copies of the FORM-1449s (3 total) filed therewith in due course.*

The undersigned would like to thank the Examiner for reviewing the Proposed Amendment-After-Final send on May 5, 2004. On May 10, 2004, the Examiner provided an e-mail indicating that "[I]t appears that the application will be in condition for allowance after the filing of the proposed amendment." This Amendment-After-Final is the same as the Proposed Amendment-After-Final previously send to the Examiner, except the word "Proposed" has been removed from the title, and this paragraph has been added. As such, Applicant believes that entry of this Amendment-After-Final will place the case in condition for allowance.

In paragraph 2 of the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as not showing each and every feature of the invention in the claims. The

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Examiner states that the drawings do not show legs spaced along the length of the elongated member (citing claim 8). In response, please find enclosed a new Figure 53, which shows legs spaced along the length of the elongated member. New Figure 53 is supported at, for example, page 44, lines 7-9, of the present specification. The specification has also been amended to reference new Figure 53. No new matter has been added.

In paragraph 7 of the Office Action, the Examiner indicated that claim 27 is allowed. In paragraph 8 of the Office Action, the Examiner indicated that claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In paragraph 3 of the Office Action, the Examiner rejected claims 1-8, 11-14 and 23-26 under 35 U.S.C. § 103(a) as being unpatentable over Brookman (U.S. Patent No. 5,337,225). The Examiner states that Brookman discloses all of the limitations of the claims, except the elongated member including legs with laterally extending teeth for securing the elongated member to a back surface of a relatively flat substrate. However, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the claimed invention was made to use legs with laterally extending teeth of the support member of Brookman to secure the elongated member to the support member, and also to secure such support member to a relatively flat substrate, since the use of such legs is old and well known in the art as evidenced by Brookman. The Examiner also suggests that Brookman states that the support member could

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be fastened by any of the mechanical fasteners known in the art, of which the disclosed legs is merely one.

As noted in Applicant's previous response, the two legs 90 and 92 of Brookman are not adapted to secure the elongated member 82 to a substrate. Rather, the two legs 90 and 92 are adapted to secure the elongated member 82 to bracket member 98, which is not a substrate 88. It is the bracket member 98 that is secured to the substrate 88. Thus, Brookman does not suggest an "elongated member having one or more legs that are adapted to secure the elongated member to a substrate", as recited in claim 1. To the contrary, to secure the bracket member 98 to the substrate 38, Brookman state: "[t]he bracket 40 is typically attached to the substrate 38 by an adhesive or by mechanical fasteners or by a combination of adhesive and mechanical fastening" (see, for example, Brookman, column 3, lines 28-31). There is no indication whatsoever that the adhesive or mechanical fasteners referred to by Brookman could or should be one or more legs that are adapted to secure the elongated member to a substrate, as recited in claim 1. Instead, it seems that the mechanical fasteners referenced in Brookman would most likely be conventional mechanical fasteners such as screws, nails or the like. Thus, Applicant does not believe Brookman provides any motivation whatsoever to provide an elongated member with one or more legs that are adapted to secure the elongated member to a substrate, as the Examiner suggests. In fact, Brookman would appear to actually teach away from such a construction.

Applicant also respectfully disagrees with the Examiner's rejections of claims 9 and 10 in

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paragraph 4 of the Office Action, the rejection of claims 18-20 in paragraph 5 of the Office Action, and the rejection of claims 21-22 in paragraph 6 of the Office Action.

Despite the foregoing, and because the Office Action has been made Final, Applicant has elected to amend some of the claims to move the case to issuance. As noted above, Applicant does not agree with the rejections of the pending claims, and reserves the right to further prosecute the un-amended claims, as well as other claims, in one or more subsequently filed continuation application(s).

Independent claim 1 has been amended to remove some limitations that are not believed to be necessary, and to incorporate some language similar to that recited in allowed claim 27. As such, claim 1 is now believed to be in condition for allowance.

Independent claim 12 has been amended to remove some limitations that are not believed to be necessary, and to incorporate the language of objected to claim 15. Claim 15 has been canceled without prejudice. As such, independent claim 12 is believed to be in condition for allowance.

Independent claim 23 has been amended to incorporate some language similar to the language recited in allowed claim 27. As such, independent claim 23 is believed to be in condition for allowance.

Applicant has also added newly presented claims 28-37. Newly presented claim 30 is similar to allowed claim 27, but with some unnecessary language removed. As such, new claim

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30 is believed to be in condition for allowance. New claim 37 is also believed to be in condition for allowance.

In view of the foregoing, Applicant believes that all pending claims 1, 3-10, 12-14, 16-17, 21-23, 25, and 27-37 are now in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the undersigned attorney at (612) 573-2002.

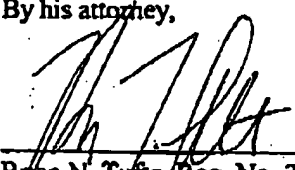
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Respectfully submitted,

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By his attorney,

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